

REMARKS

STATUS OF THE CLAIMS

Claims 1, 2, and 4-10 are pending in the application.

Claims 1, 2 and 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Barritz et al. (U.S. 6,029,145).

According to the foregoing, the claims are amended, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

REJECTION

The independent claims are 1, 6, 8, 9 and 10. As is clear from FIG. 1 of Barritz and Barritz column 4, lines 35-63, column 3, lines 30-60 (as relied upon by the Office Action), Barritz discusses monitoring the startup and use of services 46a to 46e, and reporting their usage to software vendors. That is to say, the monitoring program monitors the startup and use of modules and software detected via the operating system. Barritz column 6, lines 42-67 discuss the monitoring program 22, which discusses startup and use of services 46a to 46e.

However, in contrast to Barritz, the claimed invention is directed to monitoring startup of a particular function of a program, not the startup of modules per se, but only the startup of a particular function (for example, printing) out of the modules of an application program. That is to say, a corresponding key function (for example, 40a-40d in FIG. 6) of an application program is monitored, and according to the foregoing the independent claims 1, 6, 8, 9 and 10 are amended to further emphasize the patentably distinguishing features of the claimed present invention. Thus, Barritz cannot anticipate the claimed present invention, because Barritz fails to disclose, either expressly or inherently (by necessarily providing) each and every element of the claimed present invention, since in contrast to Barritz the claimed present invention provides "a function performance detecting step for detecting that whether a particular function set as a key function of an application program installed on the client was performed; ... an accounting step for imposing charges on a user specified by the user specifying step according to frequency of performance of a the particular function of the application program

detected via the set key function by the function performance detecting step; and ...” For example, the present Application page 6, lines 5-11 and page 7, lines 3-19, support the claim amendments.

This claimed feature produces a new advantage or new effect of allowing software modules to be tried, and this advantage cannot be found in Barritz.

DEPENDENT CLAIM 4

The examiner states that as to dependent claim 4, Barritz col. 2, lines 28-36 discusses “monitoring usage of software and warning against access from unlicensed users.” However, dependent claim 4 of the claimed invention discloses a feature of automatically registering an unregistered user who makes a request for performing a particular function for the first time, as described and shown in the present Application page 10, line 5+ and FIGS. 6-7. Barritz does not anticipate the dependent claim 4 feature, because Barritz only discusses confirming a “registered user” which could be similar to actions subsequent to the present Application step S16 of FIG. 12, but Barritz fails to disclose, either expressly or inherently (by necessarily providing), the actions from the present Application steps S10 to step S15. In particular, according to the claimed present invention as recited in dependent claim 4, at FIG. 12 operation S10, when a key function is performed (e.g., print key function 40a (FIG. 6), at operations 11 and 12, if the user is not registered, a user registration screen is displayed (FIG. 7) to register the user upon such key function manipulation. Thus, dependent claim 4 is patentably distinguishing over Barritz, and allowance of the same is respectfully requested.

CONCLUSION

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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